

Applicant : Bhanjois, et al.
Serial No. : 09/408,149
Filed : September 29, 1999
Page : 7 of 8

Attorney's Docket No.: 07575-034001

REMARKS

Claims 1-33 are pending. Claims 1-3, 5-7, 9-13, 15, 17-25 and 27-33 have been amended. No new matter has been added. Reconsideration of the Action mailed January 30, 2004, is respectfully requested in view of the amendments to the claims and the following remarks.

I. The § 112 Rejections

Claims 18, 23-24 and 28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The applicant amended claims 18, 23-24 and 28 to overcome the indefiniteness rejection.

II. The § 102/103 Rejections

Claims 1-4, 9-14, 19-24, and 29-30 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,995,745 ("Yodaiken").

Claims 5-7, 15-17, 25-27 and 31-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yodaiken in view of U.S. Patent No. 5,845,579 ("Hitz").

Claims 1, as amended, recites "a non-preemptive microkernel executing two or more processes in accordance with a non-preemptive scheduling scheme, wherein each process executed by the non-preemptive microkernel is only interrupted for a higher priority process to execute when the process blocks or explicitly requests to be preempted". Support for the amendments to claim 1 can be found in the specification at page 2, lines 2-4 and page 8, lines 26-27.

Yodaiken discloses a real time operating system that runs a general purpose operating system as one of the real time tasks of the real time operating system. Yodaiken fails to disclose that the real time operating system executes real time tasks – or any tasks – in accordance with a non-preemptive scheduling scheme as recited in claim 1. Instead, Yodaiken discloses that the real time operating system uses a preemptive scheduler, in which tasks are preempted by a higher priority tasks (col. 4, ll. 49-54). As a consequence, in Yodaiken's system, the general purpose operating system "can be preempted by a real time task at any moment" and "no [general purpose] routine can safely be called from real time tasks" (col. 5, ll. 3-5). In contrast, each of

Applicant : Bhanjois, et al.
Serial No. : 09/408,149
Filed : September 29, 1999
Page : 8 of 8

Attorney's Docket No.: 07575-034001

process executed by the non-preemptive microkernel as recited in claim 1 gives up control only when the process blocks or explicitly requests to be preempted. Thus, each of the two or more processes executed by the non-preemptive microkernel retains full control of the CPU at all times until the process explicitly requests to be preempted.

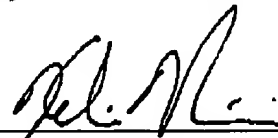
The Examiner did not cite Hitz for disclosing a non-preemptive microkernel that executes a kernel as a process of the microkernel. Nevertheless, as with Yodaiken, Hitz fails to disclose "a non-preemptive microkernel that executes two or more processes in accordance with a non-preemptive scheduling scheme, wherein the two or processes executed by the non-preemptive microkernel give up a CPU only when the one or more processes block or when the one or more processes explicitly request to preempted", as recited in claim 1. Claim 1 is, therefore, allowable over Yodaiken and Hitz, either alone or in combination.

Claims 2-10 depend from claim 1 and are allowable over Yodaiken and Hitz for at least the same reasons as set forth with claim 1.

Claims 11, 21 and 31 each recites limitations similar to claim 1. Claims 11, 21, and 31 (and the claims that depend therefrom) are also allowable over Yodaiken and Hitz for at least the same reasons as set forth with claim 1.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 04-29-04

Kelvin M. Vivian
Reg. No. 53,727

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50212396.doc